IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20204 of 2004

Between:

1 Raghava Enamel Industries,

rep by its Proprietor, V. Srinivasarao,
College Road, Markapur Town, Markapur,

Prakasam District.
2 G. Venkateswarlu, S/o.Chanchaiah,

R/o. 5-71, Car Street, Markapur, Prakasam District.

..... PETITIONERS

AND

1 The Superintendent Engineer,

Southern Power Distribution-Company of AP Ltd.
Ongole, Prakasam District.
2 The Assistant Accounts Officer,

Southern Power Distribution-Company of AP Ltd.
Markapur, Prakasam District.
3 The Assistant Engineer, Operation,

Southern Power Distribution-Company of AP Ltd.
Markapur, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring action of the 1st respondent in not deciding petitioners appeal,

dt. 14-10-2004 pending before 1st respondent and further action of the respondents 2 and 3 while insisting to pay the alleged back billing charges and threatening to disconnect power supply inspite of payment of regular bills is illegal, irregular, arbitrary and unreasonable and violating Art.14, 19 and 21 of the Constitution f India and consequently direct the respondents to decide their appeal in accordance with law.

Counsel for the Petitioners: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents: MR.KANAKAMEDALA RAVINDRA KUMAR

The Court at the admission stage made the following :

ORDER:

Admittedly, against the order of Assessment dated 14-07-2001, the petitioners had preferred an appeal on 14-10-2004, which is pending before the 1st respondent-Superintending Engineer, Southern Power Division Company, A.P. Ltd, Ongole. The only grievance of the petitioners is that pending the said appeal before the 1st respondent, the respondents 2 and 3 are insisting them for payment of the amount in dispute under the threat of disconnection of power supply.

Since the appeal is pending before the 1st respondent, it is open to the petitioners to make an appropriate application before the 1st respondent seeking stay of all further proceedings in furtherance of the Assessment Order dated 14-07-

2001. If any such application is made, the 1st respondent shall consider the same and pass appropriate orders in accordance with law as expeditiously as possible.

Accordingly, granting leave and liberty to the petitioners, the writ petition is disposed of. No costs.

_____

03-11-2004

Note: Issue C.C by tomorrow.

B/o.

vs

To

1 The Superintendent Engineer,

Southern Power Distribution-Company of AP Ltd.
Ongole, Prakasam District.

2 The Assistant Accounts Officer,

Southern Power Distribution-Company of AP Ltd.
Markapur, Prakasam District.

3 The Assistant Engineer, Operation,

Southern Power Distribution-Company of AP Ltd.
Markapur, Prakasam District.

4 2CD copies